

ORDINANCE NO. G-1138

AN ORDINANCE AMENDING TITLE V ENTITLED "BUILDING AND CONSTRUCTION" CHAPTER 595 ENTITLED "MISCELLANEOUS PROVISIONS" OF THE CODE OF THE CITY OF JUNCTION CITY, KANSAS BY AMENDING ARTICLE II ENTITLED "STREETS AND SIDEWALKS, REGULATIONS" BY AMENDING SECTION 595.110 ENTITLED "BUILDING MATERIAL IN STREET", REPEALING SECTION 595.150 ENTITLED "CURB AND GUTTER CONFORM", AMENDING SECTION 595.160 ENTITLED "SIDEWALK, CURB AND GUTTER, HOW PREPARED", REPEALING SECTIONS 595.220 ENTITLED "SIDEWALKS, LOCATION OF" AND 595.230 ENTITLED "SIDEWALKS, CONSTRUCTION OF", AMENDING SECTIONS 595.260 ENTITLED "WIDTH OF STREETS, ALLEYS AND UTILITY EASEMENTS", 595.270 ENTITLED "CROSSING OR BREAKING CURBS", AND 595.340 ENTITLED "PENALTY"; AND BY AMENDING ARTICLE III ENTITLED "CURB CUTS-PERMITS" BY AMENDING SECTIONS 595.360 ENTITLED "APPLICATION FOR PERMIT", 595.370 ENTITLED "ISSUANCE OF PERMIT" AND SECTION 595.580 ENTITLED "SUPERVISION, SPECIFICATIONS"

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JUNCTION CITY, KANSAS:

SECTION 1. Section 595.110 of Article II of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby amended by repealing said section and enacting in lieu thereof the following:

SECTION 595.110 BUILDING MATERIAL IN STREET

Every person desiring to use the sidewalk or any part of the street for the temporary deposit of building material, during construction or repair of any building or during the temporary use of any sidewalk while excavating any cellar, shall apply to the Engineering Department for permission to use the same and upon such application the City may grant permission to use the same temporarily for the purpose to be named; and no person shall use or temporarily appropriate any sidewalk or street or any material part thereof without the consent of the City. A right of way permit, per the Right-of-way Management, Article IV, of this Chapter, shall be obtained for all uses under this Section.

SECTION 2. Section 595.150 of Article II of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby repealed and said section is reserved for future use

SECTION 3. Section 595.160 of Article II of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby amended by repealing said section and enacting in lieu thereof the following:

SECTION 595.160 SIDEWALK, CURB AND GUTTER, HOW REPAIRED

When any sidewalk, curb or gutter shall, from any cause, become defective or out of repair, the owner of the property fronting thereon shall within five (5) days of notice by the City Clerk, or their representative, repair the defect and if such defect be not repaired within said five (5) day period, then the City shall repair the same, keeping accurate account of the cost thereof and the same may be assessed and collected as a special assessment against the property abutting thereon. Sidewalks and curb & gutter shall be

repaired per the City *Engineering Design Standards*, as adopted by resolution of the City Commission.

SECTION 4. Section 595.220 of Article II of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby repealed and said section is reserved for future use

SECTION 5. Section 595.230 of Article II of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby repealed and said section is reserved for future use

SECTION 6. Section 595.260 of Article II of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby amended by repealing said section and enacting in lieu thereof the following:

SECTION 595.260 WIDTH OF STREETS, ALLEYS AND UTILITY EASEMENTS

All street, alleys, utility easements and rights-of-way widths within the City per the City *Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 7. Section 595.270 of Article II of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby amended by repealing said section and enacting in lieu thereof the following:

SECTION 595.270 CROSSING OR BREAKING CURBS

It shall be unlawful for any person to drive any vehicle over the curb or sidewalk, except at an established entrance, or to break or remove any such sidewalk or curb without a right-of-way permit therefore; provided, that the City Manager acting for and on the behalf of the City Commission may authorize the use of unimproved parking or the improvement of parking for the standing or parking of vehicles when the curb shall be removed and such portion of the street shall be improved for such purposes. All curb and street removal & improvements shall be per the City *Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 8. Section 595.340 of Article II of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby amended by repealing said section and enacting in lieu thereof the following:

SECTION 595.340 VIOLATION PENALTY

Failure to comply with the provisions of this Chapter by any person or entity shall be deemed a public offense, punishable by up to \$500.00 per violation, per day. Each day a violation of this Chapter occurs shall constitute a separate public offense. Any penalty imposed by this provision shall be in addition to any other remedy at law or equity available to the City arising out of developer's activities in the public right-of-way and public systems.

SECTION 9. Section 595.360 of Article III of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby amended by repealing said section and enacting in lieu thereof the following:

SECTION 595.360 APPLICATION FOR PERMIT

Any person desiring to construct a driveway approach or recessed parking area across any curbing, parking sidewalk or sidewalk space shall first make application to the City for a permit therefore, said application shall be in writing upon a form provided by the City and made available at the Engineering Department. The application shall be filed by the property owner or by his/her duly authorized agent, desiring to construct said driveway approach or recessed parking area. All driveway, parking, curb & gutter and street removal & improvements shall be per the City *Engineering Design Standards* as adopted by resolution of the City Commission.

SECTION 10. Section 595.370 of Article III of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby amended by repealing said section and enacting in lieu thereof the following:

SECTION 595.370 ISSUANCE OF PERMIT

Such permit shall be issued by the City Engineer or his/her duly authorized representative, if it is determined that the application has complied with the terms of this Chapter.

SECTION 11. Section 595.380 of Article III of Chapter 595 of Title V of the Code of the City of Junction City Kansas is hereby amended by repealing said section and enacting in lieu thereof the following:

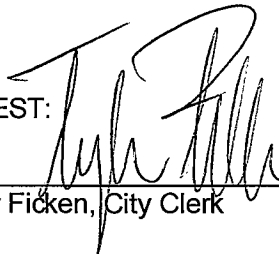
SECTION 595.380 SUPERVISION, SPECIFICATIONS

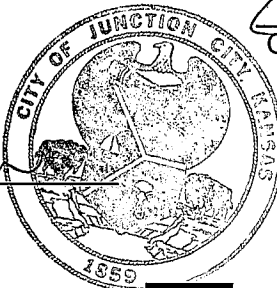
All work done under a permit issued in compliance with this Article shall be done under the direction and supervision of the City Engineer or his/her duly authorized representative and shall have been constructed per the City *Engineering Design Standards* as adopted by resolution of the City Commission. A permit issued under the provisions of this Chapter may be revoked by the City Engineer at any time that he/she is satisfied that the work is not being performed in accordance to the provisions hereof.

SECTION 12. This ordinance shall be in full force and effect from and after its adoption and publication as provided by law.

PASSED AND ADOPTED this 19th day of November, 2013.

ATTEST:


Tyler Ficken, City Clerk




Cecil Aska, Mayor